

Connecticut Department of

ENERGY &

ENVIRONMENTAL

David Conroy, Chief
Air Programs Branch
EPA Region I
5 Post Office Square- Suite 100
Mail Code OEP05-02
Boston, MA 02109-3912

Dear Mr. Conroy:

On July 1, 2004, the Connecticut Department of Environmental Protection (now the Department of Energy and Environmental Protection (DEEP)), submitted a revision to the State Implementation Plan that incorporated several Trading Agreements and Orders (TAO's). The TAO's allow the owners and operators to generate and/or use nitrogen oxide emission reduction credits in accordance with 22a-174-22(j) of the Regulations of Connecticut State Agencies.

DEEP would like to modify that submittal by withdrawing certain discrete emission reduction (DERC's), identified as NJ1994 series, from Table 3 of TAO 8110A issued to Yale University on April 29, 2003. A copy of TAO 8110A identifying the withdrawn DERCs with a strikethrough is included as Attachment A.

Should you have any questions, you may reach Michael LaFleur of my staff at 860-424-3462.

Yours truly,

Anne Gobin, Chief
Bureau of Air Management

May 29, 2015
Date

ATTACHEMENT A

Trading Agreement and Order 8110A

STATE OF CONNECTICUT

DEPARTMENT OF ENVIRONMENTAL PROTECTION



In the matter of

The State of Connecticut and

YALE UNIVERSITY

Trading Agreement
and Order No. 8110A

Whereas, the Commissioner of Environmental Protection ("Commissioner") and Yale University ("YALE") agree that it is in the public interest that they work cooperatively to improve the air quality within the State of Connecticut and that the use of discrete emissions reduction credit ("DERC") trading to reduce nitrogen oxide ("NOx") emissions will achieve this result in a timely and cost-effective manner:

- A. At the request and with the agreement of YALE, the Commissioner finds the following:
1. This Trading Agreement and Order supercedes Trading Agreement and Order 8110 issued on July 29, 1996, and Trading Agreement and Order 8110 Modification 1 issued on March 29, 1999.
 2. YALE is a corporation specially chartered by the general assembly of the Colony and the State of Connecticut, which owns and operates an institution of higher education on a campus of buildings in New Haven, Connecticut.
 3. At the Sterling Power Plant ("Sterling") facility ("facility"), located at 309 Congress Avenue, New Haven, Connecticut, YALE operates fuel-burning equipment consisting of three (3) registered steam boilers 5, 6 and 7 ("boilers 5, 6 and 7"), and four (4) permitted steam boilers 8, 9, 10 and 11 ("boilers 8, 9, 10 and 11"), each capable of burning natural gas and residual oil which are the subject of this Trading Agreement and Order and are subject to Section 22a-174-22 of the Regulations of Connecticut State Agencies ("Regulations") pertaining to the control of NOx emissions.
 4. U.S. Environmental Protection Agency ("EPA") Reference Method 7-E emission testing resulted in NOx emission rates as follows:

Table 1 YALE - Registered Boilers NOx Emission Rates and Allowable Limits (lbs/MMBtu)							
Unit: DEP Reg. # R- Permit # P-	Fuel	Heat Input MMBtu/hr	Emissions Test Rate	FLERs	Allowable Limits	Date of Last Emission Test	Next Emission Test Due
Boiler 5 R-170	No. 6 oil	43.75	0.335	0.47	0.25	12/99	12/04
	Nat. Gas	43.75	0.126	0.014	0.20	12/99	12/04
Boiler 6 R-171	No. 6 oil	43.75	0.278	0.47	0.25	12/99	12/04
	Nat. Gas	43.75	0.143	0.014	0.20	12/99	12/04
Boiler 7 R-995	No. 6 oil	75	0.382	0.47	0.25	12/99	12/04
	Nat. Gas	75	0.114	0.047	0.20	12/99	12/04

5. When burning No. 6 fuel oil, in boilers 5, 6 and 7, YALE exceeds the NOx allowable emission rate limit specified in Section 22a-174-22(e) of the Regulations.
6. Pursuant to Section 22a-174-22(j) of the Regulations YALE proposes to comply with Section 22a-174-22(e) of the Regulations, when burning No. 6 fuel oil in boilers 5, 6 and 7, through the use of approved DERCs trading until April 30, 2007, at the facility in accordance with this Trading Agreement and Order.
7. When burning No. 6 fuel oil in boiler 8, 9, 10 and 11, YALE may exceed the NOx allowable emissions rate specified in Section 22a-174-22 of the Regulations.
8. Pursuant to Section 22a-174-22(j) of the Regulations YALE proposes to comply with Section 22a-174-22(e) of the Regulations, when burning No. 6 fuel oil in boilers 8, 9, 10 and 11 by using approved DERCs to offset the difference in NOx emissions between 0.25 lbs/MMBtu allowable limit and 0.30 lbs/MMBtu permit limit until April 30, 2007, at the facility as shown in Table 2 in accordance with this Trading Agreement and Order.

Table 2 YALE – Permitted Boilers FLERs and Allowable Limits (lbs/MMBtu)							
Unit: DEP Reg. # R- Permit # P-	Fuel	Heat Input MMBtu/hr	Emissions Test Rates (and FLER for natural gas only)	22a-174-22 Allowable Limits	Permit Limits/ Baseline	Date of Last Emission Test	Next Emission Test Due
Boiler 8 P-0105	No. 6 oil	80.80	0.335	0.25	0.30	3/23/00	3/23/05
	Nat. Gas	85.00	0.058 (0.06 FLER)	0.20	0.14	12/20/00	12/20/05
Boiler 9 P-220	No. 6 oil	76.2	To be tested	0.25	0.30	As required*	As required*
	Nat. Gas	76.2		0.20	0.04		
Boiler 10 P-326	No. 6 oil	76.2	To be tested	0.25	0.30	As required*	As required*
	Nat. Gas	76.2		0.20	0.04		
Boiler 11	No. 6 oil	81.54	To be tested	0.25	0.30	As required*	As required*
	Nat. Gas	85.47		0.20	0.04		

* In accordance with paragraph C.25 of this Trading Agreement and Order and any and all permits and orders of the Commissioner for boilers 9, 10 and 11.

9. To reduce NOx emissions and generate DERCs when burning natural gas in boiler 8, on May 29, 1998, YALE installed a low NOx burner on boiler 8.
10. YALE intends, when burning natural gas in boiler 8, to generate DERCs using the difference between the permit limit baseline of 0.14 lbs/MMBtu and the emission rate and FLER of 0.06 lbs/MMBtu.
11. When properly documented by YALE, and approved by the Commissioner, the emission reductions identified above, and as computed in accordance with the terms of this Trading Agreement and Order, will conform to the requirements of Section 22a-174-22(j)(3) of the Regulations. Specifically, the reductions will be:

Real because they will result in a reduction of actual emissions released into the air, net of any consequential increase in actual emissions resulting from shifting demand. The emissions reductions will be properly measured, recorded and reported.

Quantifiable because they are based on emission testing data as applied in an appropriate, reliable and replicable protocol based on emission testing every five years.

Surplus because they are not required by any Connecticut statute or regulation mandated by a current State Implementation Plan ("SIP"), and are not currently relied upon in any applicable attainment plan, any reasonable further progress plan or milestone demonstration.

Permanent because the combustion control system will be in place and operating, and an appropriate tracking system is in place to monitor all data required to verify and quantify the creation of DERCs.

Enforceable because the DERCs are approved by the Commissioner retrospectively after the submission by YALE of a report that will document their creation.

12. The Commissioner, pursuant to Section 22a-174-22 of the Regulations, previously approved the NOx DERCs referenced in Table 3 of this Trading Agreement and Order. Unused DERCs are subject to the vintage restrictions of this Trading Agreement and Order. Dates after which the unused DERCs will no longer be eligible for use as a result of the vintage restrictions are provided in Table 3 of this Trading Agreement and Order in the expiration date column.

Table 3 YALE – Purchased Approved DERCs (to the extent not already used)					
Year of generation	Ozone season	Tons	Non-ozone season	Tons	Expiration Date
Pre-2000	UI 96-98 vintage	35	UI 96-99 vintage	82	12/31/04
Pre-2000	N/A	N/A	1997NCRR01 series	14	12/31/04
Pre-2000	N/A	N/A	1997NBRRF01 series	11	12/31/04
Pre-2000	N/A	N/A	1998NBRRF02 series	15	12/31/04
Pre-2000	94NPSEG02 series	11	N/A	N/A	12/31/04
Pre-2000	NJ1994 series	11	N/A	N/A	12/31/04
Pre-2000	NJ1994 series	5	N/A	N/A	12/31/04
Pre-2000	N/A	N/A	97NNRGG01 series	35	12/31/04
Pre-2000	N/A	N/A	97NNRGG01 series	10	12/31/04
Pre-2000	N/A	N/A	97NNRGG01 series	20	12/31/04
Pre-2000	99NBRRF01 series	25	N/A	N/A	12/31/04
Pre-2000	N/A	N/A	99NBRRF01 series	15	12/31/04
Pre-2000	N/A	N/A	97NBRRF02 series	4	12/31/04
Pre-2000	N/A	N/A	1998NBRRF02 series	1	12/31/04
Pre-2000	N/A	N/A	1999NBRRF02 series	15	12/31/04
Pre-2000	N/A	N/A	98NPF1Z01 series	3	12/31/04
Pre-2000	N/A	N/A	99NPF1Z01 series	7	12/31/04
2000	N/A	N/A	00NUNIL01 series	15	12/31/05
2000	N/A	N/A	2000NBRRF01 series	20	12/31/05
2001	01NBRRF02 series	5	01NBRRF02 series	20	12/31/06
Total		92		287	

13. As documented in Attachment 1, attached to and incorporated by reference into this Trading Agreement and Order, YALE generated NOx DERCs from boiler 8. Such DERCs were reduced by ten (10) percent to assure a benefit to the environment, and another ten (10) percent due to the uncertainty resulting from the use of a single approved stack test, rather than the use of continuous emissions monitoring ("CEMs"). The total quantity of approved DERCs after rounding down to the nearest whole number, is shown in Table 4 of this Trading Agreement and Order.

B. The Commissioner, in accordance with the provisions of this Trading Agreement and Order, and pursuant to Section 22a-174-22 (d)(3) of the Regulations hereby allows YALE to generate and use approved DERCs, to comply with Section 22a-174-22(j) of the Regulations as follows:

1. Yale may comply with Section 22a-174-22 (d)(1) of the Regulations through the use of DERCs trading;
2. The Commissioner, will allow YALE and approved sources within Connecticut to use 40 tons (27 tons ozone season and 13 tons non-ozone season) of the NOx DERCs, referenced in paragraph A.12 and B.2 of this Trading Agreement and Order, for the purposes of compliance under Section 22a-174-22(j) of the Regulations. Dates after which the unused DERCs will no longer be eligible for use as a result of the vintage restriction are provided in Table 4 of the Trading Agreement and Order in the expiration date column. DERC creation serial numbers assigned by the Department to these approved reductions of NOx emissions are provided in Table 4 of this Trading Agreement and Order:

Table 4 YALE Approved DERCs Generated from June 1998 through December 2001					
Year	Ozone season	Tons	Non-ozone season	Tons	Expiration Date
1998	CT98/8110A(DC)Noxoz(1-5)	5	CT98/8110A(DC)Noxnoz(1-3)	3	12/31/04
1999	CT99/8110A(DC)Noxoz(1-7)	7	CT99/8110A(DC)Noxnoz(1-7)	5	12/31/04
2000	CT00/8110A(DC)Noxoz(1-6)	6	CT00/8110A(DC)Noxnoz(1-2)	2	12/31/05
2001	CT01/8110A(DC)Noxoz(1-5)	5	CT01/8110A(DC)Noxnoz(1)	1	12/31/06
2002	CT02/8110A(DC)Noxoz(1-4)	4	CT02/8110A(DC)Noxnoz(1-2)	2	12/31/07
	Total	27	Total	13	

3. Yale may, upon sufficient documentation as prescribed in this Trading Agreement and Order, generate additional DERCs. Upon issuance of an addendum to this Trading Agreement and Order the Commissioner may also approve the generation of additional DERCs by YALE retrospectively. Approved DERCs generated by YALE may be held by YALE or transferred to other persons in accordance with this Trading Agreement and Order.
- C. With the agreement of YALE, the Commissioner, acting under Connecticut General Statutes Sections 22a-6, 22a-171, 22a-174, 22a-176, and 22a-177, orders as follows:
1. Upon issuance of this Trading Agreement and Order, Yale may generate approved DERCs when burning natural gas in boiler 8 as allowed under this Trading Agreement and Order until April 30, 2007. YALE shall not generate DERCs above any best available control technology ("BACT") permit limit for boiler 8.
 2. Upon issuance of this Trading Agreement and Order, at the facility YALE shall comply with Section 22a-174-22 of the Regulations through emission reduction trading until YALE achieves permanent compliance with the emission standards in Section 22a-174-22(e) of the Regulations or by April 30, 2007, whichever occurs earlier:

- a. YALE shall use approved DERCs as required under this Trading Agreement and Order;
 - b. YALE shall have in its possession sufficient approved DERCs to meet applicable NOx emission limits as allowed under this Trading Agreement and Order;
 - c. YALE may obtain and use approved DERCs to offset excess emissions for boiler 5, 6 and 7 in accordance with this Trading Agreement and Order;
 - d. YALE shall comply during the operation of the boiler 5, 6, and 7 with the FLERs shown in Table 1 of this Trading Agreement and Order;
 - e. YALE may obtain and use approved DERCs to offset excess emissions for boilers Nos. 8, 9, 10 and 11 when burning residual oil to comply with the difference between the BACT permit limits of 0.30 lbs/MMBtu and the Section 22a-174-22 of the Regulations allowable limit of 0.25 lbs/MMBtu;
 - f. YALE shall comply during the operation of boilers 8, 9, 10 and 11 with each BACT permit limit for boilers 8, 9, 10 and 11 and shall not use approved DERCs to meet any such BACT permit limit; and
 - g. YALE, may when burning natural gas in boiler 8, generate DERCs using the difference between the 0.14 MMBtu permit limit baseline and an emissions limit of 0.06 lbs/MMBtu.
3. DERC Generation from boiler 8. Until April 30, 2007, when operating boiler 8 on natural gas, YALE may generate DERCs in accordance with this Trading Agreement and Order and the following formula:
- a. YALE shall calculate and document the amount of DERCs generated as follows:
$$\text{DERCs (tons)} = \{[(\text{boiler 8 total heat input in MMBtu}) \times (0.14 \text{ lbs/MMBtu baseline rate} - 0.06 \text{ lbs/MMBtu FLER})] \div 2000 \text{ lbs/ton}\} \times (0.90) \times (0.90).$$

Where:

 - Baseline rate = the baseline rate in Table 2 for boiler 8.
 - FLER = full load emission rate in Table 2 for boiler 8.
 - (0.90) x (90) = is the ten (10) percent discount of all DERCs retired to assure a benefit to the environment, and another ten (10) percent discount retired due to uncertainty.
 - Fuel heating value = 1,000 BTU per cubic foot
 - b. Upon sufficient documentation that YALE has met the requirements of this Trading Agreement and Order, the Commissioner may provide written approval of DERCs generated by YALE retrospectively. Requests for approval of all

subsequent DERCs created shall be submitted in writing to the Commissioner. Such requests shall be compiled on a monthly or seasonal basis (i.e., ozone and non-ozone) and shall be submitted at least on an annual basis. Approved DERCs generated under this Trading Agreement and Order may be held or transferred to other persons. Such DERCs shall remain valid until they are used or until May 1, 2007, whichever occurs first.

- c. In requesting DERC approval, YALE shall provide documentation containing a sample spreadsheet with calculation formulas used to determine reported DERCs, monthly operating reports of actual fuel use in MMBtu, daily actual NO_x mass emissions, FLER used, number of operating hours per day, and DERCs generated, using the baseline rate, as defined in subparagraph C.3.a. of this Trading Agreement and Order, net of the ten (10) percent discount and ten (10) percent uncertainty factor.
 - d. Should YALE choose to generate additional DERCs, reports documenting these credits shall be submitted to the Commissioner on an ozone and non-ozone season (January through April and/or October through December), or annual basis. Such reports shall be compiled on a monthly basis and submitted at least on an annual basis.
4. DERC Use. Until April 30, 2007, before the first day of each month YALE shall have in its possession sufficient approved DERCs for such month for boilers 5, 6, 7, 8, 9, 10 and 11 based on the following calculation:

i. For boilers 5, 6, and 7

- i. Before the first day of each month, YALE shall estimate DERCs required for such calendar month for boilers 5, 6 and 7, when burning No. 6 fuel oil and using the FLER from Table 1 as follows:

$$\text{Estimated DERCs (tons) use} = \{(\text{Estimated fuel use in MMBtu}) \times ((\text{FLER}) - (0.95 \times \text{NO}_x \text{ allowable limit}))\} \div 2000 \text{ pounds/ton.}$$

Where:

- Allowable limit = allowable limit rate in lbs/MMBtu shown in Table 1 of this Trading Agreement and Order.
 - FLER = full load emission rate in lbs/MMBtu as shown in Table 1 of this Trading Agreement and Order.
 - (0.95) = 5% design margin applied to the allowable limit rate.
 - Fuel heating value = 150,000 BTU per gallon
- ii. No later than the twentieth day of each month, calculate and permanently retire actual DERCs used in the preceding calendar month for boilers 5, 6 and 7 when burning No. 6 fuel oil using the FLER from Table 1 above and as follows:

Actual DERCs (tons) used = $\{(\text{actual fuel use in MMBtu}) \times ((\text{FLER}) - (0.95 \times \text{NOx allowable limit}))\} \div 2000$
lbs/ton.

b. For boilers 8, 9, 10 and 11

- i. Before the first day of each month, YALE shall calculate projected worst case DERCs required that calendar month for boilers 8, 9, 10 and 11, as follows:

Estimated DERCs (tons) = $[\text{estimated fuel use in MMBtu} \times (0.30 \text{ lbs/MMBtu permit limit} - (0.95 \times 0.25 \text{ lbs/MMBtu allowable limit}))] \div 2000$
pounds/ton

- iii. No later than the twentieth day of each month, YALE shall calculate and permanently retire actual DERCs used in the preceding calendar month for boilers 8, 9, 10 and 11 when burning No. 6 fuel oil during the preceding calendar month, as follows:

Actual DERCs (tons) = $[\text{Actual fuel use in MMBtu} \times (.30 \text{ lbs/MMBtu permit limit} - (0.95 \times 0.25 \text{ lbs/MMBtu allowable rate in}))] \div 2000$ pounds/ton.

5. YALE shall make and keep records of: daily fuel use and fuel type; excess NOx emissions; the number of DERCs in its possession, created, purchased and used (by serial number if assigned) each month in accordance with the appropriate emission rates and limits in this Trading Agreement and Order; the number of DERCs used during the ozone season and non-ozone season (the remainder of the year); as well as documentation attesting to the fact that approved DERCs used during the ozone season were generated during the ozone season. Generator certification of this fact shall be sufficient. YALE shall maintain and submit such records to the Commissioner in accordance with Section 22a-174-22 of the Regulations.
6. Record Keeping. YALE shall retain records and supporting documentation as described in this Trading Agreement and Order for a minimum of five years, commencing on the date such records were created. YALE shall provide the records specified above to the Commissioner within thirty (30) days of receipt of a written request from the Commissioner.
7. Annual Emission Statement. No later than March 1, of every year after issuance of this Trading Agreement and Order, YALE shall include with the Annual Emission Statement provided to the Commissioner, a record of each sale or other transfer, and use of any and all of the DERCs approved within and subsequent to issuance of this Trading Agreement and Order until all such DERCs have been used. YALE shall also include NOx emissions from each boiler using or generating DERCs, and the amount of all DERCs used including serial number (if assigned) and approved DERCs generated and/or purchased from other facilities), generated and/or approved for the previous calendar year. These reports shall be on a form prescribed by the Commissioner and shall be in monthly increments. Should YALE choose to discontinue the generation of DERCs, YALE will notify the

Commissioner upon discontinuance.

8. Allowance Use. Pursuant to Section 22a-174-22(d)(3) of the Regulations, YALE may use NOx allowances, through April 30, 2007, pursuant to Section 22a-174-22(j) of the Regulations to achieve all or a portion of the reductions required by Section 22a-174-22 of the Regulations. Any allowance used for compliance with Section 22a-174-22(e) of the Regulations shall be subject to all restrictions and/or requirements applicable to DERCs contained in this Trading Agreement and Order;
 - a. In order for YALE to use NOx allowances, YALE shall create a general account in EPA's NOx Allowance Tracking System ("NATS"); and
 - b. Each allowance used for compliance with Section 22a-174-22 of the Regulations shall be equivalent to one discrete emission reduction credit. Allowances shall be considered used for compliance with Section 22a-174-22 of the Regulations when they are transferred from the facility's NOx general account in the NATS to the CT State NOx Retirement Account (Account ID CT0000000300 in the NATS).
9. DERC Doubling. At a minimum, DERCs required shall be adjusted upwards by 100% if DERCs are not in YALE's possession prior to the first day of each month for use. However, based on the gravity of noncompliance, the Commissioner may require additional upward adjustment.
10. Vintage Restriction. For the purposes of compliance with Section 22a-174-22 of the Regulations, DERCs/allowances shall only remain valid for five (5) calendar years from the year of the generation/allocation of such DERCs/allowances. DERCs/allowances older than five (5) calendar years from their creation/allocation are not valid for use for compliance with Section 22a-174-22 of the Regulations. Notwithstanding the above, DERCs/allowances generated/allocated prior to calendar year 2000 are valid for use for compliance with Section 22a-174-22 of the Regulations up to and including December 31, 2004.
11. FLER Exceedance. Noncompliance with an established FLER shall subject YALE to make restitution by matching the quantity of emissions ("true up") caused by the exceedance plus a 100% premium. The true up in tons of DERCs shall be equal to the FLER exceedance in lbs/MMBtu, multiplied by the total heat input during the period of noncompliance divided by 2000 lbs/ton. If the period of noncompliance is not known, the time period from the completion of the last/previous Department witnessed emission test through the date the FLER compliance is achieved as approved by the Commissioner shall be used. However, nothing in this Trading Agreement and Order shall affect the Commissioner's authority to institute any proceeding or take any other action to require additional upward adjustment, based on the gravity of any alleged noncompliance or violation of law.
12. FLER Modification. FLERs set forth in Table 1 and 2 of this Trading Agreement and Order may be modified only after the consent of the Commissioner by written modification of this Trading Agreement and Order.

13. Emissions Testing. Pursuant to Section 22a-174-22(k) of the Regulations, YALE shall conduct NOx emission tests of the units at least once every five years commencing from the dates of the NOx emission tests for the boilers 5, 6, 7 and 8 in Tables 1 and 2 of this Trading Agreement and Order, and at least once every five (5) years commencing from the date of the initial NOx emission tests of boilers 9, 10 and 11 to be conducted in accordance with applicable permits and orders of the Commissioner.
14. Extension. No later than April 30, 2007 for the boilers in Table 1, YALE shall comply with the requirements in Section 22a-174-22 (d) (1) of the Regulations. However, after full program review of this and other Trading Agreements and Orders and if determined to be appropriate, the Commissioner may grant written extension of this Trading Agreement and Order.
15. Future Compliance Report. On or before September 1, 2006, YALE shall submit a report indicating how the facility will comply with Section 22a-174-22 of the Regulations after April 30, 2007.
16. Full compliance. YALE shall not be considered in full compliance with this Trading Agreement and Order until all actions required by this Trading Agreement and Order have been completed as approved and to the Commissioner's satisfaction.
17. Approvals. YALE shall use best efforts to submit to the Commissioner all documents required by this Trading Agreement and Order in a complete and approvable form. If the Commissioner notifies YALE that any document or other action is deficient, and does not approve it with conditions or modifications, it is deemed disapproved, and YALE shall correct the deficiencies and resubmit it within the time specified by the Commissioner or, if no time is specified by the Commissioner, within 30 days of the Commissioner's notice of deficiencies. In approving any document or other action under this Trading Agreement and Order, the Commissioner may approve the document or other action as submitted or performed or with such conditions or modifications as the Commissioner deems necessary to carry out the purposes of this Trading Agreement and Order. Nothing in this paragraph shall excuse noncompliance or delay.
18. Definitions. As used in this Trading Agreement and Order, "Commissioner" means the Commissioner or a representative of the Commissioner. "Ozone season" means the period from May 1 through September 30 in any given calendar year. The date of "issuance" of this Trading Agreement and Order is the date the Trading Agreement and Order is deposited in the U.S. mail or personally delivered, whichever is earlier. Approved DERs are defined for purposes of this Trading Agreement and Order as those for which the Commissioner has provided written authorization for use in compliance with Section 22a-174-22 of the Regulations.
19. Dates. The date of submission to the Commissioner of any document required by this Trading Agreement and Order shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this Trading Agreement and Order, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is deposited in the U.S. mail or is personally delivered, whichever is earlier. Except as otherwise specified in this Trading Agreement and Order, the word "day" as used in this Trading Agreement and Order means calendar day. Any document or action which is required by this Trading

Agreement and Order to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed by the next day which is not a Saturday, Sunday or Connecticut or federal holiday.

20. Certification of documents. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this Trading Agreement and Order shall be signed by YALE or, if YALE is not an individual, by an individual who is an authorized representative of YALE, in accordance with Section 22a-174-2a(a) of the Regulations of Connecticut State Agencies, and by the individual(s) responsible for actually preparing such document, and each such individual shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, that the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in the submitted information is punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law."

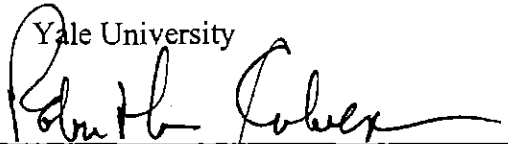
21. Noncompliance. This Trading Agreement and Order is a final order of the Commissioner with respect to the matters addressed herein, and is nonappealable and immediately enforceable. Failure to comply with this Trading Agreement and Order may subject YALE to an injunction and penalties.
22. False statements. Any false statement in any information submitted pursuant to this Trading Agreement and Order is punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law.
23. Notice of transfer; liability of YALE. Until YALE has fully complied with this Trading Agreement and Order, YALE shall notify the Commissioner in writing no later than 15 days after transferring all or any portion of the facility, the operations, the site or the business which is the subject of this Trading Agreement and Order or after obtaining a new mailing or location address. YALE's obligations under this Trading Agreement and Order shall not be affected by the passage of title to any property to any other person or municipality.
24. Commissioner's powers. Nothing in this Trading Agreement and Order shall affect the Commissioner's authority to institute any proceeding or take any other action to prevent or abate violations of law, prevent or abate pollution, recover costs and natural resource damages, and to impose penalties for past, present, or future violations of law. If at any time the Commissioner determines that the actions taken by YALE pursuant to this Trading Agreement and Order have not successfully corrected all violations, fully characterized the extent or degree of any pollution, or successfully abated or prevented pollution, the Commissioner may institute any proceeding to require YALE to undertake further investigation or further action to prevent or abate violations or pollution.
25. YALE's obligations under law. Nothing in this Trading Agreement and Order shall relieve YALE of other obligations under applicable federal, state and local law.
26. No assurance by Commissioner. No provision of this Trading Agreement and Order and no action or inaction by the Commissioner shall be construed to constitute an assurance

by the Commissioner that the actions taken by YALE pursuant to this Trading Agreement and Order will result in compliance or prevent or abate pollution.

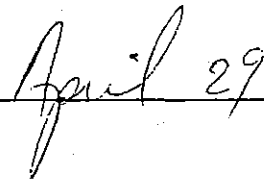
27. Access to facility. Any representative of the Department of Environmental Protection may enter the facility without prior notice for the purposes of monitoring and enforcing the actions required or allowed by this Trading Agreement and Order.
28. No effect on rights of other persons. This Trading Agreement and Order neither creates nor affects any rights of persons or municipalities that are not parties to this Trading Agreement and Order.
29. No Creation of Property Rights. This Trading Agreement and Order does not create any property rights with respect to these DERCs.
30. Notice to Commissioner of changes. Within fifteen (15) days of the date YALE becomes aware of a change in any information submitted to the Commissioner under this Trading Agreement and Order, or that any such information was inaccurate or misleading or that any relevant information was omitted, YALE shall submit the correct or omitted information to the Commissioner.
31. Notification of noncompliance. In the event that YALE becomes aware that it did not or may not comply, or did not or may not comply on time, with any requirement of this Trading Agreement and Order or of any document required hereunder, YALE shall immediately notify by telephone the individual identified in the next paragraph and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. Within five (5) days of the initial notice, YALE shall submit in writing the date, time, and duration of the noncompliance and the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and YALE shall comply with any dates which may be approved in writing by the Commissioner. Notification by YALE shall not excuse noncompliance or delay, and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically so stated by the Commissioner in writing.
32. Submission of documents. Any document required to be submitted to the Commissioner under this Trading Agreement and Order shall, unless otherwise specified in this Trading Agreement and Order or in writing by the Commissioner, be directed to:

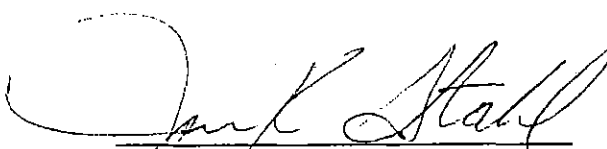
Mr. Roland L. Severance Jr., PE
Department of Environmental Protection
Bureau of Air Management
Emissions and Credit Trading Section
79 Elm Street, 5th Floor
Hartford, Connecticut 06106-5127

YALE consents to the issuance of this Trading Agreement and Order without further notice. The undersigned certifies that he/she is fully authorized to enter into this Trading Agreement and Order and to legally bind YALE to the terms and conditions of the Trading Agreement and Order.

Yale University
Signature: 
Name: Robert L. Culver
Title: Vice President, Finance & Administration
Date: April 25, 2003

Issued as a final order of the Commissioner of Environmental Protection

on , 2003.


Arthur J. Rocque, Jr.
Commissioner

CITY OF NEW HAVEN LAND RECORDS
MAILED CERTIFIED MAIL, RETURN RECEIPT REQUESTED
Certified Document No.